

Dear Glenabby Condominium Unit Owner:

As part of our continuing efforts to properly administer the Glenabby Condominium Association and improve its operations as well as reasonably protect the community as a whole, we have decided to introduce four amendments to our documents. We urge you to consent to the passage of each of the following:

AMENDMENT A: Ohio Revised Code Section 2950 defines three classes of sex offenders: Tier I, II, and III, with Tier III being the most severe. Following both a state and national trend, the Board recommends that the Association's governing documents be amended to prohibit County Sheriff-notified Tier III and Tier II sex offenders from residing in our community. Similar restrictions have been upheld in other states for the reason that an association's interest in preserving home values and resident safety outweighed the impact, if any, the restriction might have on an owner's ability to sell or lease their unit.

Glenabby's governing documents currently make no provision against the residency of sex offenders. A number of studies have determined that sex offenders are more likely to repeat their illegal actions than any other type of convicted criminal. Because of that, the Ohio residential real property disclosure form you must provide any potential purchaser of your unit advises buyers to contact the County Sheriff to determine if a sexual offender lives nearby. In short, County Sheriff-notified Tier III and Tier II offenders present a very real safety concern and have a significant negative impact on property values when neighbors are notified of an offender's occupancy in a nearby unit.

The proposed amendment addresses the issues of residency, not ownership, and notification, as these are the focus of Ohio's sex offender legislation and are consistent with the requirement that restrictions must be reasonable. With the passage of the proposed amendment, all future Tier III and those classes of Tier II sex offenders who require community notification by the Franklin County Sheriff will be barred from living in our community. By adding this restriction to our documents, we can better protect our safety and our investments in our homes.

Regardless as to whether this amendment is adopted or not, owners selling their unit have a legal requirement to disclose to a buyer of their unit if the owner or the Association receives notice that a Tier III or Tier II offender lives nearby.

**AMENDMENT B:** The Association's attorney, Kaman & Cusimano, has suggested inserting a new provision that brings the Association's documents into compliance with changes in the state condominium law that allows the Association to recover specific legal costs. The "Cost of Enforcement" provision strengthens the Association's authority to pass the costs of enforcing our rules and regulations back to the violating unit owner. If one unit owner is violating rules for which legal action must be taken, everyone else should not have to pay the expenses incurred.

**AMENDMENT C:** Indemnification provides protection from liability for the individual owners who volunteer to serve on the Board, as officers, and as committee members, *as long as* the individuals act in good faith and with reason. At present, the Association's Articles of Incorporation include an indemnification provision for the Board members. Unfortunately, these can be cancelled if someone fails to keep the corporation's records updated with the Ohio Secretary of State's Office. As a result, the Association's legal counsel, Kaman & Cusimano, recommends this amendment to add the indemnification for the volunteers to the Bylaws, which cannot be cancelled unless/until the Association is ever terminated.

**AMENDMENT D:** Under the current pet restriction in the Declaration, "household domestic pets" are permitted. While the Association's rules were amended to restrict pets to two per unit and restricts certain breeds of dogs, our Attorney, Kaman and Cusimano, suggests the restriction be added to the Declaration for ease of enforceability based on recent court cases. In addition to the current language in the rules, the amendment provides a much clearer definition as to the types of pets that are permitted, such as dogs and cats, and not permitted, such as "exotic" animals or reptiles. The amendment prohibits Rottweilers and other vicious dogs. Any current pet not in compliance with these new restrictions will be "grandfathered" and permitted to remain on the Condominium Property until its demise or relocation off the Condominium Property. We believe this amendment will help to ensure that Glenabby Condominium remains a safe and pleasant environment for all of us by banning pets that pose a threat to our safety.

At this time, we ask that the unit owner of each unit sign, date, and return the enclosed consent ballot to Case Bowen in the self-addressed, stamped envelope enclosed for your convenience. Please note that the consent ballot must be signed and returned whether you are in favor of or against the amendment. As you may be aware, our governing documents require 75% approval of the voting power of the Association to pass the amendment. Again, we urge you to consent to these amendments.

Voting on the amendments will remain open until either approved by 75% of the owners or defeated by more than 25% of the owners. To, however, complete this process in a timely manner, we ask that you return your consent ballot at your earliest convenience.

If you should have any questions pertaining to the amendments, please feel free to contact any Board Member or Denise Brown, our Property Manager, at (614) 799-9800. Thank you for your anticipated cooperation.

Sincerely yours,

THE BOARD OF DIRECTORS  
GLENABBY CONDOMINIUM ASSOCIATION

Enclosures

Unit Address \_\_\_\_\_

Unit Owner(s) \_\_\_\_\_

(Please Print)

**CONSENT BALLOT TO AMEND THE DECLARATION OF CONDOMINIUM OWNERSHIP FOR GLENABBY CONDOMINIUM**

To the Glenabby Condominium Association Board of Directors:

The undersigned, Unit Owner(s) of the Glenabby Condominium Unit indicated above, indicate(s) my/our consent or rejection of the Amendments to the Declaration of Condominium Ownership for Glenabby Condominium (the "Declaration") and the Bylaws of Glenabby Condominium Association (the "Bylaws"), Westerville, Ohio, as set forth on the attached Pages 1 through 6 as follows (**Instructions:** After reading and considering the attached pages, please mark your vote for or against each Amendment listed below and then sign, date, and return this page to the Association, c/o Case Bowen, 6255 Corporate Center Drive, Dublin, Ohio 43016.):

	<u>IN FAVOR</u>	<u>AGAINST</u>
<b>AMENDMENT A:</b> Prohibits Tier III and Tier II sexual offenders, for whom the county sheriff must provide community notification, from residing on or entering the property.	_____	_____
<b>AMENDMENT B:</b> Permits the Association to recover all costs the Association incurs in relation to remedying rule violations from the violating unit owner.	_____	_____
<b>AMENDMENT C:</b> Indemnifies former, current and future Board members, officers, and committee members if their decisions are made in good faith on the Association's behalf.	_____	_____
<b>AMENDMENT D:</b> Prohibits exotic animals, specific breeds of dogs, and vicious dogs from the condominium property and allows up to two pets per unit.	_____	_____

The undersigned further grant(s) a power of attorney to the officers of the Glenabby Condominium Association to execute the necessary documents to be filed with the Franklin County Records evidencing the consent(s), if any, granted below.

\_\_\_\_\_  
Signature of Unit Owner

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature (If co-owned, both Unit Owners should sign. If only one signs, he/she states that he/she represents the entire vote of the Unit.)

\_\_\_\_\_  
Date